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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/939,927	09/29/97	SCHUERMAN	L 278-001

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EXAMINER

WALCZAK, D

ART UNIT	PAPER NUMBER
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3751

DATE MAILED:

07/28/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/939,927

Applicant(s)
Schuerman

Examiner
David J. Walczak

Group Art Unit
3751



☒ Responsive to communication(s) filed on Sep 29, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-5, 9-12, and 15 is/are rejected.

☒ Claim(s) 6-8, 13, 14, and 16-20 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Sep 29, 1997 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3751

DETAILED ACTION

Abstract

1. The abstract of the disclosure is objected to because phrases which can be implied, such as "The present invention is" should not be present therein. Correction is required. See MPEP § 608.01(b).

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the structure defined in claims 6 and 20 (i.e., no Figure shows the structure defined in claims 6 and 20 in combination with the structure defined in claims 5 and 19, respectively) must be shown or the appropriate features canceled from the claims. No new matter should be entered.

Specification

3. The disclosure is objected to because of the following informalities: The embodiment disclosed in Figure 2 is not described in the specification. Appropriate correction is required.

Art Unit: 3751

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 1, 2 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Botic.

In regard to claim 1, the Botic reference discloses a device for containing items therein comprised of a lower structure 12 defining a pocket and an attachment structure 22 attached to the lower structure and having an aperture (through the ring hanging from element 32) adapted to receive a projection. It is noted that the statements of intended use do not lend any patentable structure to the claims. In regard to claims 2 and 9, the attachment structure includes a flap 22 attached at a first end 24 to the lower structure and having the ring with the aperture therethrough attached to the second end.

6. Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Marcalus. In regard to claim 15, the Marcalus reference discloses a lower structure 18, an attachment structure 27 having an aperture 30 and an adapter plug 31.

Art Unit: 3751

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-5 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bosis in view of Marcalus. In regard to claims 3 and 10, although the lower structure does not include a sidewall connecting front and back sections, as claimed, attention is directed to the Marcalus reference, which discloses another carrier wherein front and back panels are connected by a side wall in order to create a larger container. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to structure the container in the Bosis device such that it has front, back and sidewalls in order to increase the capacity of the container. In regard to claim 4, the attachment structure has a fastening structure 24 which "releasibly" secures the flap 22 to the lower structure. In regard to claims 5 and 11, the lower structure includes strap attachment structures 16 whereby straps 14 are secured to the structures 16 via a "securing structure". In regard to claim 12, the flap 22 is attached at a first end to the lower structure and to an aperture structure (the ring) at a second end wherein the aperture structure contains the aperture.

Art Unit: 3751

Allowable Subject Matter

9. Claims 6-8, 13, 14 and 16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Mach reference is cited for disclosing another container which hangs from a vehicle accessory.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Walczak whose telephone number is (703) 308-0608.

D Walczak

July 22, 1998


DAVID J. WALCZAK
PRIMARY EXAMINER